

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOAQUIN MENDOZA RAMOS)
Plaintiff,) 3:12-cv-0083-LRH-VPC
v.)
WELLS FARGO BANK, N.A.; et al.,)
Defendants.)

Before the court is defendants' motion to dismiss. Doc. #10.¹ Plaintiff Joaquin Mendoza Ramos ("Ramos") did not file an opposition.

In July 2005, Ramos purchased real property through a mortgage note and deed of trust. Plaintiffs defaulted on the property and defendants initiated non-judicial foreclosure proceedings. Subsequently, Ramos filed a complaint against defendants. Doc. #1, Exhibit A. Thereafter, defendants filed the present motion to dismiss to which Ramos did not respond. Doc. #10.

While the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion under LR 7-2(d), Ramos's failure to file an opposition, in and of itself, is an insufficient ground for dismissal. *See Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995). Before dismissing a case, a district court is required to weigh several

¹ Refers to the court's docket number.

1 factors: (1) the public's interest in the expeditious resolution of litigation; (2) the court's need to
2 manage its docket; (3) the risk of prejudice to the defendant; 4) the public policy favoring
3 disposition of cases on their merits; and (5) the availability of less dramatic sanctions. *Id.*

4 Here, these factors weigh in favor of dismissal. The need for the expeditious resolution of
5 cases on the court's docket is strong. Defendants have an interest in resolving this matter in a timely
6 manner. Further, there is a lack of prejudice to Ramos because he has shown an unwillingness to
7 continue litigating his complaint which weighs in favor of granting the motion. Additionally,
8 although public policy favors a resolution on the merits, the court finds that dismissal is warranted
9 in light of these other considerations.

10

11 IT IS THEREFORE ORDERED that defendants' motion to dismiss (Doc. #10) is
12 GRANTED. Plaintiff's complaint (Doc. #1, Exhibit A) is DISMISSED in its entirety.

13 IT IS FURTHER ORDERED that defendants' motion for a hearing (Doc. #17) is DENIED
14 as moot.

15

IT IS SO ORDERED.

16

DATED this 17th day of May, 2012.

17

18

LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

20

21

22

23

24

25

26